

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 05-583)**

In re Application of:)	
)	
Gicquel, et al.)	Examiner: Gambetta, Kelly M.
)	
Serial No.: 10/541,970)	Art Unit: 1792
)	
Filed: July 11, 2005)	Confirmation No. 8766
)	
For: High-Speed Diamond Growth Using A)	
Microwave Plasma In Pulsed Mode)	

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Refund Section
Office of Finance/Accounting Division

Dear Sir:

Pursuant to 37 CFR 1.26, Applicants request a refund of the Request for Continued Examination (RCE) of \$810.00 that was paid on August 10, 2009, via Deposit Account No. 13-2490 for this application. The facts surrounding this request are as follows.

- 1) The Office issued a non-final Office action on February 9, 2009.
- 2) On August 10, 2009, the Applicants submitted a response and erroneously submitted RCE materials and paid the RCE fee with the response.
- 3) This request is filed within two years of paying the fee.
- 4) Since the response was filed after the issuance of a non-final Office action, the RCE materials and fee were not necessary.

In light of the above, Applicants request that the RCE fee of **\$810.00** be refunded to McDonnell Boehnen Hulbert & Berghoff LLP 's Deposit Account No. **13-2490**

Respectfully submitted,

Date: November 19, 2009

/Bradley W. Crawford/
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